



STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BLVD.  
CANNON BUILDING, SUITE 100  
DOVER, DELAWARE 19904

TELEPHONE: (302) 736-7500  
FAX: (302) 739-4849

April 9, 2019

Nashim Dholasaniya  
Rushmore Energy, LLC  
52 Sugar Creek Ctr Blvd.  
Suite 200  
Sugar Land, TX 77478

**Re: In The Matter of the Rushmore Energy, LLC For A Certificate to Provide Electric Supply Services within the State Of Delaware (Submitted March 19, 2019) - PSC Docket No. 19-0152**

---

Dear Mr. Dholasaniya,

The Delaware Public Service Commission ("Commission") is in receipt of the application (the "Application") submitted by Rushmore Energy, LLC ("Company") for certification to provide electric supply services in Delaware. The Application is incomplete as filed and additional information is necessary to complete the minimum filing requirements ("MFRs"), as indicated below:

**Section 2.2.1 Legal Name**

- Has an officer, director, or manager previously done business in the state of Delaware?
  - If so, please provide the names of the business.

**Section 2.2.2 State of Formation Certificates**

- Please provide a business license from the state of formation.

**Section 2.2.16 Financial Ability**

- Please provide financial statements that are current to within 12 months of the filing.
  - The Company has provided audited financial statements from 2017 and 2016. The audit was performed in 2018. The statements are from 2017 and 2016. These are not sufficient.

**Section 2.2.19 Retail Experience**

- Please provide a list of states or federal jurisdictions in which the Applicant or any of its affiliated interests have been found to be in violation of state laws, rules, and/or regulations.
- Please provide a copy of a settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or U.S. Department of justice concerning the Applicant's participation in retail and federal electricity, natural gas, or telecommunication markets.

**Section 2.6 Public Notice**

- Please publish the attached public notice in two newspapers having general circulation throughout the state of Delaware. Submit the affidavits of publication to the Commission.

**Section 6.0, 7.0, 8.0 Contract and Contract Summaries**

- Will the Company offer any variable rate products in Delaware?
  - If so, please provide a copy.
- The Company has not submitted an actual contract for review. Please do so.

- On the contract summary, in the section titled “Price Structure and Term Length” please modify the section to read “Our agreement with you (referred to as our “Agreement”) is for \_\_\_\_ per kilowatt-hour (kWh) plus the base monthly fee of \$4.95 for a term of \_\_\_\_ months.”
- On the contract summary, in the section titled “Generation/Supply Price” please modify the first sentence to read “\$ \_\_\_\_/kWh for generation and transmission services plus a base monthly fee of \$4.95.”
- On the contract summary, in the section titled “Renewal Terms” it states the following: “If we do not receive a response by the end of your Term, we may return you to utility standard service, or you may be automatically placed on our then current, month-to-month product and pricing.”
  - What is the process for determining which accounts are transferred to standard offer service vs. placed on a variable product?
    - Disclose this process on the contract summary and in the terms and conditions.
- Provide the directions for accessing the variable price on the contract summary.
- On the terms and conditions, please move section 14 (Contact Information) under the definitions and above the Right to Rescission section on the first page.
- On the terms and conditions, add the base monthly fee to section 5 (Penalties, Fees, and Exceptions).
- Adhere to the following sections of the Supplier Rules: 6.2.2.3.2.2, 6.2.2.3.2.3, 6.2.2.3.2.5, 7.1.2, 8.2.4.
- Please note, Historic pricing refers to the Company’s historic pricing, not Delmarva Power’s price to compare (which is not historic pricing).

#### **Section 2.1.6 Verification of Application**

- Please provide a signed, sworn statement of verification for each subsequent filing in this docket.

The Company may request that the Commission provide confidential treatment to some or all of the information contained in a document. When requesting confidential treatment for documents filed with the Commission, please simultaneously file a redacted, public version of the same document and an attestation that the information is not subject to inspection or disclosure to the public.

Staff respectfully requests a response to this notice of deficiency on or before May 10, 2019. Please note that 26 *Del. Admin. C.* § 3001 (the “Supplier Rules”) section 2.4 provides that incomplete applications will be closed four (4) months after the filing date. If the application is not completed within the four (4) month time frame the applicant forfeits their application filing fee and must resubmit the application with an additional filing fee. The responses and verifications can be uploaded as a subsequent filing in DelaFile under Docket No 19-0152.

Should you have any questions or if I can be of any assistance you may contact me at (302) 736-7539 or send questions by email to [Clishona.Marshall@state.de.us](mailto:Clishona.Marshall@state.de.us).

Sincerely,

*Shona Marshall*

Shona Marshall  
Public Utility Analyst

CC: Ms. Donna Nickerson, Commission Secretary  
Ms. Malika Davis, Public Utility Analyst

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF )  
RUSHMORE ENERGY, LLC FOR A )  
CERTIFICATE TO PROVIDE ELECTRIC ) PSC DOCKET No. 19-0152  
SUPPLY SERVICES WITHIN THE STATE OF )  
DELAWARE (SUBMITTED MARCH 19, 2019) )

**PUBLIC NOTICE**

**TO: ALL PERSONS PURCHASING ELECTRICITY SUPPLY WITHIN THE STATE OF  
DELAWARE AND OTHER INTERESTED PARTIES**

Pursuant to 26 *Del. C.* §1012, Rushmore Energy, LLC (the “Company”) has applied to the Delaware Public Service Commission (the “Commission”) for an Electric Supplier Certificate (“Certificate”) to provide electric supply service within the State of Delaware under certain terms and conditions that the Company has filed with the Commission.

The Electric Utility Restructuring Act of 1999 (26 *Del. C.* Ch.10) requires that every electric supplier seeking to provide electric supply service to Delaware retail customers shall obtain a Certificate from the Commission.

Any person wishing to protest or to comment upon this application must do so in writing by filing such protest or comment with the Commission within twenty (20) days from the date of this publication. In the absence of any comments or protests, the Commission may grant the Certificate without any further action.

The Commission’s mailing address is:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Suite 100, Cannon Building  
Dover, Delaware 19904

Copies of the application may be inspected at the Commission, at the above address, during normal business hours, or you may review documents by going to DelaFile (<http://depsec.delaware.gov/>), the Commission’s file management system, and by searching for Docket No. 19-0152.

The Company has filed the terms and conditions under which it will offer service in Delaware. Because this is a competitive provision of such services, the Commission will not make a determination that the Company’s proposed rates are reasonable.

The Company will **not** be regulated by the Commission as an electric supplier. **THEREFORE, ALL PROSPECTIVE CUSTOMERS ARE ADVISED TO CAREFULLY REVIEW THE RATES, TERMS, AND CONDITIONS OF THE COMPANY’S SERVICE BEFORE EXECUTING ANY CONTRACT WITH THE COMPANY.**

The Commission’s toll-free telephone number is (800) 282-8574. Persons with questions concerning this application may contact the Commission by either Text Telephone (“TT”) or by regular telephone at (302) 736-7500. If you are disabled and need assistance to be able to participate, please contact the Commission to make arrangements for such assistance.